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Honorable Paul A. Crotty
United States Magistrate Judge
United States Courthouse
40 Centre Street
New York, New York 10007

JOINT LETTER OF COUNSEL

Re: Indemnity Insurance Co. of North America, *et al.*
v. Lufthansa Cargo A.G., *et al.*
07 Civ. 5576 (PAC)
Our File: 7G-1468

Dear Judge Crotty:

I represent the plaintiffs in this matter which involves a sizeable cargo claim which defendants contend is subject to a very small liability limitation. For reasons outlined in prior communications with the Court, counsel are continuing efforts to find a cost-effective and reliable means to present the threshold limitation issue to the Court for summary judgment adjudication. Despite the good faith efforts of counsel, it appears that it may not be possible to reach agreement on a stipulation of undisputed facts.

For this reason plaintiffs served requests for admissions last week in the hope that this will assist in narrowing the issues. As the admission request is straightforward and is based on documents previously produced, defendants believe that responses can be provided within the thirty-day deadline, perhaps earlier. If the admission request does not prove productive, it is likely that it will be necessary to proceed with a deposition of defendant Lufthansa Cargo A.G. in order to develop the record on the services provided for the shipment.

* Counsel respectfully request permission to further report concerning the status of this matter by May 23, 2008. Counsel join in thanking the Court for its continued patience and indulgence.

Respectfully,


David L. Mazaroli

*SO ORDERED: 4/29/08

HON. PAUL A. CROTTY
UNITED STATES DISTRICT JUDGE

MEMO ENDORSED

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